

IN THE UNITED STATES DISTRICT COURT
FOR THE
THIRD CIRCUIT

Rahman R. Fulton,
(Petitioner)

v

Civil Action No. 18-16526-(SRC)
Crim. No. 13-CR-261-(SRC)

United States of America

PETITIONER'S MOTION FOR DEFAULT JUDGMENT;
IN LIGHT OF THE GOVT. NOT RESPONDING
TO PETITIONER'S MOTION TO EXPEDITE
BY THE RULES OF THE COURT
(FED.R.PROCD. "4.1", 5 AND RULE 55)

Now before the Court, Petitioner Rahman Fulton's pro se Motion to Compel the Court to GRANT a default judgment due to the Govt. not following the Rules of the Court; 4.1 Motion to Expedite (and pursuant to Rules 5 and 55) and in support of this motion states the following:

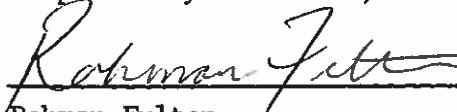
- 1) Petitioner filed a Motion to Expedite due to "extraordinary and compelling circumstances", affecting Petitioner's case because of the recent ruling in (U.S. v. Davis) No. 18431; subsequently reducing Petitioner's sentence and guideline range downward to time-served. (Motion dated July 9, 2019 and filed with the Court).
- 2) Per the Federal Rules of Civil Procedure, the Govt. fully understands that under Rule 4.1, they have seven (7) days to file a response after the service of the Motion; which has not been done at the time of this Motion being filed for Default Judgment.
- 3) Petitioner, by way of proof provided, (See Attachment #1) that his motion was actually docketed on July 18th, 2019 at 3:32 PM EDT; and such date, is the date that Petitioner makes such claims for Default to be "GRANTED" in this case. (Note: The Court filed Petitioner's Motion on July 11th, 2019).
- 4) By the Rules of Procd, under 4.1; if the Govt. does not reply within the allotted timeline per the Rules, then the Govt. is effectively waving any and all claims profferred by Petitioner; thus allowing per the Rules of the Court, the Jurisdiction and authority to Grant such a default and Relief to Petitioner's Motion.

5) Petitioner re-asserts that his claims for Relief based on most recent Supreme Court Ruling in favor of (Davis), regarding the Residual Clause to be unconstitutionally vague, when used as an enhancement pursuant to 18 USC 924(c)(1)(A)(3)(B) and cannot stand; directly affect Petitioner's case at bar and when unchallenged, the Court must act in favor of Petitioner's request for Relief immediately.

WHEREFORE, Petitioner Rahman Fulton, pro se, Respectfully requests this Honorable Court to enter a Default Judgment in this instant matter and to Grant Relief in this matter as a matter of Rule of Law to include Immediate Release, pursuant to (Davis) No. 18431; and release from custody, while the Court further reviews Petitioner's 2255 Habeas Corpus claims pending outside of the (Davis) 924(c) matter; and for such other and further relief deemed proper and necessary in the Interest of Justice.

Date: July 26, 2019

Respectfully Submitted,


Rahman Fulton

AFFIDAVIT

I HEREBY CERTIFY that the foregoing facts are true and correct to the best of my knowledge and belief upon pain of perjury under 28 USC §1746.


Rahman Fulton

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the following pleading was mailed on this 26 day of July 2019 by first class mail; postage prepaid to Daniel V. Shapiro (AUSA)/ 970 Broad Street, Newark, New Jersey 07102.


Rahman Fulton

Motions

2:18-cv-16526-SRC FULTON v.
UNITED STATES OF AMERICA

HABEAS,PLO

Please remember to send in your courtesy copies to chambers marked *Courtesy Copy*.
For further Judge Preference information [click here](#).

U.S. District Court

District of New Jersey [LIVE]

Notice of Electronic Filing

The following transaction was entered on 7/18/2019 at 3:32 PM EDT and filed on 7/11/2019

Case Name: FULTON v. UNITED STATES OF AMERICA
Case Number: 2:18-cv-16526-SRC
Filer: RAHMAN R FULTON
Document Number: 9

Docket Text:

Petitioner's MOTION to Expedite by RAHMAN R FULTON. (byl)

2:18-cv-16526-SRC Notice has been electronically mailed to:

DANIEL V. SHAPIRO daniel.shapiro@usdoj.gov, CaseView.ECF@usdoj.gov, usanj.ecfcriminaledocketing@usdoj.gov

ELIZABETH MARY HARRIS elizabeth.harris2@usdoj.gov

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2:18-cv-16526-SRC Notice has been sent by regular U.S. Mail:

**RAHMAN R FULTON
64940-050
FEDERAL CORRECTIONAL COMPLEX-ALLENWOOD LOW**

Attachment #1

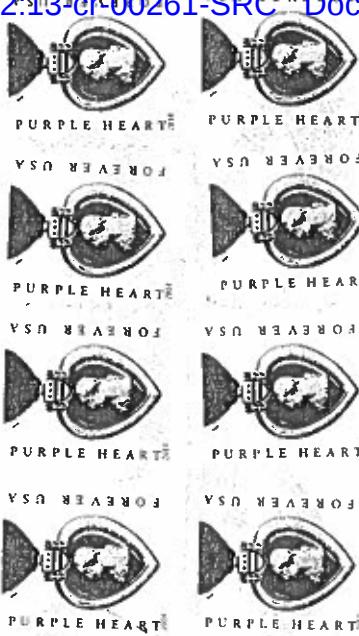
INMATE NAME/NUMBER: *Roslynne F. Johnson (04940-0570)*
FEDERAL CORRECTIONAL COMPLEX-ALLENWOOD
P.O. BOX 1000
WHITE DEER, PA 17887

Allenwood, PA

Date 7-26-19

The enclosed letter was sent to you. The letter has been filed in the Clerk's Office of the U.S. District Court for inspection. If the writer raises a problem over which the U.S. District Court has jurisdiction, you may wish Newark, NJ 07102-4015 material for further information of the States.

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A legal mail

